

IN RE: ZANTAC (RANITIDINE)  
PRODUCTS LIABILITY  
LITIGATION

MDL NO 2924  
20-MD-2924

JUDGE ROBIN L ROSENBERG  
MAGISTRATE JUDGE BRUCE REINHART

\_\_\_\_\_/

**THIS DOCUMENT RELATES TO:**

**JURY TRIAL DEMANDED**

Andrew Black

\_\_\_\_\_  
(Plaintiff Name(s))

**SHORT-FORM COMPLAINT - VERSION 3**

The Plaintiff(s) named below, by counsel, file(s) this Short Form Complaint against Defendants named below. Plaintiff(s) incorporate(s) by reference the allegations contained in the Second Amended Master Personal Injury Complaint (“SAMPIC”) in *In re: Zantac (Ranitidine) Products Liability Litigation*, MDL No. 2924 (S.D. Fla). Plaintiff(s) file(s) this Short-Form Complaint - Version 3 as permitted by Pretrial Order 80 and the Court's Orders regarding motions to dismiss and specifically DE 3751 at 1, as outlined on page 1 of the SAMPIC.

Plaintiff(s) select(s) and indicate(s) by completing where requested, the Parties and Causes of Actions specific to this case. Where certain claims require additional pleading or case specific facts and individual information, Plaintiff(s) shall add and include them herein.

Plaintiff(s), by counsel, allege as follows:

**I. PARTIES, JURISDICTION, AND VENUE**

**A. PLAINTIFF(S)**

1. Plaintiff(s) Andrew Black  
 (“Plaintiff(s)”) brings this action (check the applicable designation):

☒ On behalf of [*himself/herself*];

☐ In representative capacity as the \_\_\_\_\_, on behalf  
of the injured party, (Injured Party's Name)  
\_\_\_\_\_.

2. Injured Party is currently a resident and citizen of (City, State)  
Lincolnton, NC and claims damages as set forth below.

—OR—

Decedent died on (Month, Day, Year) \_\_\_\_\_. At the time of  
Decedent's death, Decedent was a resident and citizen of (City, State)  
\_\_\_\_\_.

If any party claims loss of consortium,

3. \_\_\_\_\_ ("Consortium Plaintiff") alleges damages for loss of  
consortium.
4. At the time of the filing of this Short Form Complaint, Consortium Plaintiff is a  
citizen and resident of (City, State) \_\_\_\_\_.
5. At the time the alleged injury occurred, Consortium Plaintiff resided in (City, State)  
\_\_\_\_\_.

**B. DEFENDANT(S)**

6. Plaintiff(s) name(s) the following Defendants from the Amended Master  
Personal Injury Complaint in this action:

**a. Brand-Name Manufacturers from the SAMPIC:**

Boehringer Ingelheim Corporation; Boehringer Ingelheim Pharmaceuticals, Inc.;  
Boehringer Ingelheim USA Corporation; GlaxoSmithKline (America) Inc.;  
GlaxoSmithKline LLC; Patheon Manufacturing Service LLC; Sanofi US Services Inc.;  
Sanofi-Aventis U.S. LLC

**b. Others Not Named in the SAMPIC:**

**C. JURISDICTION AND VENUE**

7. Identify the Federal District Court in which Plaintiff(s) would have filed this action in the absence of Pretrial Order No. 11 (direct filing) [or, if applicable, the District Court to which their original action was removed]:

Western District of NC

8. Jurisdiction is proper upon diversity of citizenship.

**II. PRODUCT USE**

9. The Injured Party used Zantac and/or generic ranitidine: [*Check all that apply*]

☐ By prescription

☒ Over the counter

10. The Injured Party used Zantac and/or generic ranitidine from approximately (month, year) 01/2015 to 12/2018.

**III. PHYSICAL INJURY**

11. As a result of the Injured Party's use of the medications specified above, [he/she] was diagnosed with the following specific type of cancer (check all that apply):

Check all that apply	Cancer Type	Approximate Date of Diagnosis
<input type="checkbox"/>	BLADDER CANCER	
<input type="checkbox"/>	BREAST CANCER	
<input type="checkbox"/>	COLORECTAL/INTESTINAL CANCER	
<input checked="" type="checkbox"/>	ESOPHAGEAL CANCER	12/11/2018
<input type="checkbox"/>	GASTRIC CANCER	
<input type="checkbox"/>	KIDNEY CANCER	
<input type="checkbox"/>	LIVER CANCER	
<input type="checkbox"/>	LUNG CANCER	
<input type="checkbox"/>	PANCREATIC CANCER	
<input type="checkbox"/>	PROSTATE CANCER	
<input type="checkbox"/>	OTHER CANCER: _____	
<input type="checkbox"/>	DEATH (CAUSED BY CANCER)	

12. Defendants, by their actions or inactions, proximately caused the injuries to Plaintiff(s)

**IV. CAUSES OF ACTION ASSERTED**

13. The following Causes of Action asserted in the Amended Master Personal Injury Complaint are asserted against Defendants, and the allegations with regard thereto are adopted in this Short Form Complaint by reference.
14. By checking the appropriate causes of action below, Plaintiff(s) assert these causes of action based upon the law and applicable Sub-Counts of the following state(s):<sup>1</sup>
- 

<sup>1</sup> In selecting the relevant states above, Plaintiffs reserve all rights to argue choice of law issues at a later time.

Check all that apply	Count	Cause of Action	States for which the cause of action was asserted in the SAMPIC
<input type="checkbox"/>	I	Strict Products Liability – Failure to Warn through Warnings and Precautions	All States and Territories, <b>Except</b> DE, IA, MA, NC, PA, and VA
<input checked="" type="checkbox"/>	II	Negligence – Failure to Warn through Warnings and Precautions	All States and Territories, <b>Except</b> LA, NJ, OH, and WA
<input type="checkbox"/>	III	Strict Products Liability – Failure to Warn through Proper Expiration Dates	All States and Territories, <b>Except</b> DE, IA, MA, NC, PA, and VA
<input checked="" type="checkbox"/>	IV	Negligence – Failure to Warn through Proper Expiration Dates	All States and Territories, <b>Except</b> LA, NJ, OH, and WA
<input type="checkbox"/>	V	Strict Products Liability – Design Defect Due to Warnings and Precautions	All States and Territories, <b>Except</b> DE, IA, MA, NC, PA, and VA
<input type="checkbox"/>	VI	Strict Products Liability – Design Defect Due to Improper Expiration Dates	All States and Territories, <b>Except</b> DE, IA, MA, NC, PA, and VA
<input type="checkbox"/>	VII	Negligent Failure to Test	KS, TX
<input checked="" type="checkbox"/>	VIII	Negligent Product Containers: (Against all Defendants who manufactured and sold pills <sup>2</sup> )	All States and Territories
<input checked="" type="checkbox"/>	IX	Negligent Storage and Transportation	All States and Territories
<input checked="" type="checkbox"/>	X	Unjust Enrichment (Against All Defendants)	All States and Territories
<input type="checkbox"/>	XI	Loss of Consortium (Against All Defendants)	All States and Territories
<input type="checkbox"/>	XII	Survival Actions	All States and Territories
<input type="checkbox"/>	XIII	Wrongful Death	All States and Territories

<sup>2</sup> This Count applies only to pills, not ranitidine-containing products in the form of syrups or injections.

15. In addition to the counts above, Plaintiff(s) hereby allege(s) all of the causes of action and facts supporting them alleged in the Amended Master Personal Injury Complaint (AMPIC), D.E. 3887, and the Master Personal Injury Complaint (MPIC), D.E. 887, that are alleged against the above-listed Defendants. These additional counts are incorporated by reference as if fully stated herein. By incorporating each claim from each master pleading, Plaintiff(s) preserve all rights to challenge previously entered orders from the Court.
16. In addition to the claims listed above, Plaintiff(s) assert claims of Negligent Misrepresentation and Reckless Misrepresentation against Brand-Name Manufacturers. In support of these claims, Plaintiff(s) allege the allegations in the AMPIC in support of Counts XII and XIII as well as the following additional jurisdictional facts: Brand Defendants sold, advertised, and marketed Zantac in Plaintiff(s)' home state.

#### **V. JURY DEMAND**

17. Plaintiff(s) hereby demand(s) a trial by jury as to all claims in this action.

#### **VI. PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff(s) has/have been damaged as a result of Defendants' actions or inactions and demand(s) judgment against Defendants on each of the above-referenced causes of action, jointly and severally to the full extent available in law or equity, as requested in the Amended Master Personal Injury Complaint.

Signature Block: DATED: March 23, 2023

Respectfully submitted,

Tim K. Goss  
Texas Bar No. 08222660  
tim@freeseandgoss.com  
FREESE & GOSS, PLLC  
3500 Maple Ave., Ste. 1100  
Dallas, TX 75219  
P: 214.761.6610  
F: 214.761.6688

Counsel for Plaintiff